

119TH CONGRESS  
1ST SESSION

# H. R. 1678

To increase transparency, accountability, and community engagement within the Department of Homeland Security, to provide independent oversight of border security activities, to improve training for agents and officers of U.S. Customs and Border Protection, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2025

Ms. ESCOBAR introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To increase transparency, accountability, and community engagement within the Department of Homeland Security, to provide independent oversight of border security activities, to improve training for agents and officers of U.S. Customs and Border Protection, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security  
5 Improvement Act”.

1 **SEC. 2. STAKEHOLDER AND COMMUNITY ENGAGEMENT.**

2 (a) DEPARTMENT OF HOMELAND SECURITY BORDER  
3 OVERSIGHT COMMISSION.—

4 (1) ESTABLISHMENT.—There is established an  
5 independent commission, which shall be known as  
6 the “Department of Homeland Security Border  
7 Oversight Commission” (referred to in this Act as  
8 the “Commission”).

9 (2) ORGANIZATION.—

10 (A) LEADERSHIP.—The Commission shall  
11 be led by a Chair and a Vice Chair.

12 (B) MEMBERSHIP.—

13 (i) IN GENERAL.—The Commission  
14 shall be composed of 30 members, who—

15 (I) shall be appointed by the  
16 Speaker and the minority leader of  
17 the House of Representatives and the  
18 majority and minority leaders of the  
19 Senate, in consultation with the Presi-  
20 dent; and

21 (II) shall have expertise in migra-  
22 tion, local crime indices, civil and  
23 human rights, community relations,  
24 cross-border trade and commerce,  
25 quality of life indicators, or other per-  
26 tinent experience.

1 (ii) REGIONAL REPRESENTATION.—Of  
2 the 30 members appointed pursuant to  
3 clause (i)(I)—

4 (I) 13 members shall be from the  
5 northern border region and shall com-  
6 prise the northern border sub-  
7 committee; and

8 (II) 17 members shall be from  
9 the southern border region and shall  
10 comprise the southern border sub-  
11 committee.

12 (iii) NORTHERN BORDER SUB-  
13 COMMITTEE.—Of the 13 members from  
14 the northern border region—

15 (I) 2 shall be elected local gov-  
16 ernment officials;

17 (II) 2 shall be local law enforce-  
18 ment officials;

19 (III) 2 shall be civil rights advo-  
20 cates;

21 (IV) 1 shall represent the busi-  
22 ness community;

23 (V) 1 shall represent institutions  
24 of higher education;

1 (VI) 1 shall represent a faith  
2 community;

3 (VII) 2 shall be U.S. Border Pa-  
4 trol officers or agents, including at  
5 least 1 member of the National Bor-  
6 der Patrol Council; and

7 (VIII) 2 shall be tribal officials.

8 (iv) SOUTHERN BORDER SUB-  
9 COMMITTEE.—Of the 17 members from  
10 the southern border region—

11 (I) 3 shall be elected local gov-  
12 ernment officials;

13 (II) 3 shall be local law enforce-  
14 ment officials;

15 (III) 3 shall be civil rights advo-  
16 cates;

17 (IV) 2 shall represent the busi-  
18 ness community;

19 (V) 1 shall represent institutions  
20 of higher education;

21 (VI) 1 shall represent a faith  
22 community;

23 (VII) 2 shall be U.S. Border Pa-  
24 trol officers or agents, including at

1 least 1 member of the National Bor-  
2 der Patrol Council; and

3 (VIII) 2 shall be tribal officials.

4 (v) CHAIR; VICE CHAIR.—The mem-  
5 bers of the Commission shall elect a Chair  
6 and a Vice Chair from among its members  
7 by a majority vote of at least 16 members.

8 (vi) TERMS OF SERVICE.—The Chair  
9 and the Vice Chair of the Commission  
10 shall serve 4-year terms in such positions.  
11 Members of the Commission shall also  
12 serve 4-year terms.

13 (vii) APPOINTMENT DEADLINE.—Con-  
14 gress shall make the initial appointments  
15 to the Commission not later than 180 days  
16 after the date of the enactment of this Act.

17 (3) MEETINGS.—

18 (A) COMMISSION.—The Commission shall  
19 meet at least semiannually and may convene  
20 additional meetings as necessary.

21 (B) SUBCOMMITTEES.—The northern bor-  
22 der and southern border subcommittees shall  
23 meet at least quarterly, and may convene addi-  
24 tional meetings, as necessary.

1           (4) DUTIES.—The Commission, the northern  
2 border subcommittee, and the southern border sub-  
3 committee shall—

4           (A) develop recommendations for improve-  
5 ments regarding border enforcement policies,  
6 strategies, and programs that take into consid-  
7 eration their impact on border communities;

8           (B) evaluate policies, strategies, and pro-  
9 grams of Federal agencies operating along the  
10 northern and southern United States borders—

11           (i) to protect—

12                   (I) due process;

13                   (II) the civil and human rights of  
14 border residents and visitors; and

15                   (III) private property rights of  
16 land owners;

17           (ii) to reduce the number of migrant  
18 deaths; and

19           (iii) to improve the safety of agents  
20 and officers of U.S. Customs and Border  
21 Protection and U.S. Immigration and Cus-  
22 toms Enforcement;

23           (C) develop recommendations for improve-  
24 ments regarding the safety of agents and offi-  
25 cers of U.S. Customs and Border Protection

1 and U.S. Immigration and Customs Enforce-  
2 ment while such agents and officers are in the  
3 field; and

4 (D) evaluate training and establish train-  
5 ing courses related to—

6 (i) management and leadership skills  
7 for supervisors in each U.S. Border Patrol  
8 sector, at each port of entry on the north-  
9 ern and southern United States borders,  
10 and at each U.S. Immigration and Cus-  
11 toms Enforcement field office; and

12 (ii) the extent to which supervisory  
13 and management personnel practices at  
14 U.S. Customs and Border Protection and  
15 U.S. Immigration and Customs Enforce-  
16 ment—

17 (I) encourage and facilitate work-  
18 force development for agents and offi-  
19 cers; and

20 (II) promote agent and officer  
21 field safety and post-Federal Law En-  
22 forcement Training Center (referred  
23 to in this Act as “FLETC”) training  
24 of border enforcement personnel in ac-  
25 cordance with section 6.

1 (5) ADDITIONAL RESPONSIBILITIES.—

2 (A) IN GENERAL.—In carrying out the du-  
3 ties set forth in paragraph (4), the Commission  
4 shall take into consideration any recommenda-  
5 tions and evaluations agreed upon by the north-  
6 ern border subcommittee and the southern bor-  
7 der subcommittee.

8 (B) SUBCOMMITTEE REPORTS.—The  
9 northern border subcommittee and the southern  
10 border subcommittee shall each—

11 (i) submit an annual report to the  
12 Chair and Vice Chair of the Commission  
13 that contains the recommendations and  
14 evaluations of the subcommittees referred  
15 to in paragraph (4); and

16 (ii) make each such report available to  
17 the public.

18 (6) PROHIBITION ON COMPENSATION.—Mem-  
19 bers of the Commission may not receive pay, allow-  
20 ances, or benefits from the Federal Government by  
21 reason of their service on the Commission or either  
22 of its subcommittees.

23 (b) HEARINGS AND EVIDENCE.—The Commission or,  
24 on the authority of the Commission, any subcommittee or  
25 member of the Commission, may, for the purpose of car-



1 rying out this Act, hold such hearings, and sit and act  
2 at such times and places, take such testimony, receive  
3 such evidence, and administer such oaths as the Commis-  
4 sion or such designated subcommittee or designated mem-  
5 ber determines necessary to carry out its duties under sub-  
6 section (a)(4).

7 (c) SAVINGS PROVISION.—Nothing in this Act may  
8 be construed as affecting the investigative and disciplinary  
9 procedures of U.S. Customs and Border Protection, U.S.  
10 Immigration and Customs Enforcement, or the Depart-  
11 ment of Homeland Security with respect to agents and  
12 officers of U.S. Customs and Border Protection or U.S.  
13 Immigration and Customs Enforcement.

14 (d) REPORTS.—

15 (1) ANNUAL REPORTS.—The Commission  
16 shall—

17 (A) submit an annual report to the Sec-  
18 retary of Homeland Security that contains in-  
19 formation regarding the activities, findings, and  
20 recommendations of the Commission, including  
21 the northern border subcommittee and the  
22 southern border subcommittee, for the pre-  
23 ceding year; and

24 (B) make each such report available to the  
25 public.

1           (2) CONGRESSIONAL NOTIFICATION.—The Sec-  
 2       retary of Homeland Security shall brief the Com-  
 3       mittee on Homeland Security and Governmental Af-  
 4       fairs of the Senate, the Committee on the Judiciary  
 5       of the Senate, the Committee on Homeland Security  
 6       of the House of Representatives, and the Committee  
 7       on the Judiciary of the House of Representatives re-  
 8       garding each report received under paragraph (1).

9   **SEC. 3. ESTABLISHMENT OF THE OFFICE OF THE OMBUDS-**  
 10                   **MAN FOR BORDER AND IMMIGRATION RE-**  
 11                   **LATED CONCERNS.**

12       (a) IN GENERAL.—Subtitle A of title IV of the  
 13       Homeland Security Act of 2002 (6 U.S.C. 202 et seq.)  
 14       is amended by adding at the end the following new section:

15   **“SEC. 406. OMBUDSMAN FOR BORDER AND IMMIGRATION-**  
 16                   **RELATED CONCERNS.**

17       “(a) IN GENERAL.—There shall be within the De-  
 18       partment an Ombudsman for Border and Immigration-  
 19       Related Concerns (referred to in this section as the ‘Om-  
 20       budsman’). The individual appointed as Ombudsman shall  
 21       have a background in immigration or civil liberties law or  
 22       law enforcement and shall report directly to the Secretary.

23       “(b) ORGANIZATIONAL INDEPENDENCE.—The Sec-  
 24       retary shall take appropriate action to ensure the inde-  
 25       pendence of the Ombudsman’s office from other officers

1 or employees of the Department engaged in border secu-  
2 rity or immigration activities.

3 “(c) STAFFING.—The Secretary shall take appro-  
4 priate action to ensure that the Ombudsman’s office is  
5 sufficiently staffed and resourced to carry out its duties  
6 effectively and efficiently.

7 “(d) FUNCTIONS.—The Ombudsman shall—

8 “(1) establish an independent, neutral, and ap-  
9 propriately confidential process to receive, inves-  
10 tigate, resolve, and provide redress, including immi-  
11 gration relief, monetary damages, or any other ac-  
12 tion determined appropriate, for complaints, griev-  
13 ances, or requests for assistance from individuals,  
14 associations, and employers regarding the border se-  
15 curity and immigration activities of the Department;

16 “(2) conduct inspections of the facilities, includ-  
17 ing privately owned or operated contract facilities, of  
18 U.S. Customs and Border Protection, U.S. Immigra-  
19 tion and Customs Enforcement, and U.S. Citizen-  
20 ship and Immigration Services;

21 “(3) assist individuals and families who—

22 “(A) have been victims of crimes com-  
23 mitted by noncitizens present in the United  
24 States or of violence near the United States  
25 border; or

1           “(B) have been impacted by situations in  
2           which the Department has exercised force  
3           against an individual, including by use of a fire-  
4           arm, electronic control weapon, explosive device,  
5           chemical agent, baton, projectile, blunt instru-  
6           ment, body part, canine, or vehicle;

7           “(4) identify areas in which individuals, associa-  
8           tions, and employers have identified concerns with  
9           respect to interacting with U.S. Customs and Border  
10          Protection, U.S. Immigration and Customs Enforce-  
11          ment, or U.S. Citizenship and Immigration Services;

12          “(5) propose changes in the administrative  
13          practices of U.S. Customs and Border Protection,  
14          U.S. Immigration and Customs Enforcement, and  
15          U.S. Citizenship and Immigration Services to miti-  
16          gate problems identified under this section;

17          “(6) review, examine, and make recommenda-  
18          tions regarding the border security and immigration  
19          and enforcement activities of U.S. Customs and Bor-  
20          der Protection, U.S. Immigration and Customs En-  
21          forcement, and U.S. Citizenship and Immigration  
22          Services;

23          “(7) establish a uniform and standardized com-  
24          plaint process regarding complaints against any indi-  
25          vidual employed by U.S. Customs and Border Pro-

1        tection or U.S. Immigration and Customs Enforce-  
2        ment for violations of standards of professional con-  
3        duct that—

4                “(A) requires the completion of an inde-  
5        pendent review and investigation not later than  
6        1 year after the receipt of any such complaint;

7                “(B) requires that complainants receive—

8                        “(i) written confirmation that their  
9        complaint was received not later than 60  
10       days after such receipt; and

11                      “(ii) a written summary regarding the  
12       outcome of such complaint not later than  
13       30 days after the completion of the review  
14       and investigation under subparagraph (A),  
15       including findings of fact, recommended  
16       action, and available redress;

17                “(C) features—

18                      “(i) a centralized multilingual online  
19       complaint form that includes street ad-  
20       dress, toll-free telephone number, and elec-  
21       tronic mailbox address to permit an indi-  
22       vidual to file an immigration or border-re-  
23       lated complaint and submit supporting evi-  
24       dence through the portal of choice of any  
25       such individual; and

1 “(ii) the posting of multilingual infor-  
2 mation relating to such form at ports of  
3 entry and at U.S. Border Patrol interior  
4 checkpoints;

5 “(D) includes procedures for referring  
6 complaints to the Office for Civil Rights and  
7 Civil Liberties, the Office of the Inspector Gen-  
8 eral, or other appropriate agency of the Depart-  
9 ment;

10 “(E) establishes a publicly accessible na-  
11 tional, standardized database capable of track-  
12 ing and analyzing complaints and their resolu-  
13 tion; and

14 “(F) provides publicly accessible records,  
15 with copies of complaints, and their resolutions  
16 permanently preserved and available for inspec-  
17 tion, while maintaining the confidentiality of  
18 complainants’ identities; and

19 “(8) establish an online detainee locator system  
20 for individuals held in U.S. Customs and Border  
21 Protection custody.

22 “(e) OTHER RESPONSIBILITIES.—In addition to the  
23 functions specified in subsection (d), the Ombudsman  
24 shall—

1           “(1) monitor the coverage and geographic allo-  
2 cation of local offices of the Ombudsman, including  
3 appointing local ombudsmen for border and immi-  
4 gration related concerns;

5           “(2) evaluate and take personnel actions (in-  
6 cluding dismissal) with respect to any employee of  
7 the Ombudsman;

8           “(3) recommend disciplinary action, including  
9 contract termination, suspension, and debarment, or  
10 termination, suspension, and sanctions, to the appro-  
11 priate departmental entity regarding any contractor  
12 proven to have violated departmental policies or pro-  
13 cedures while executing any border security or immi-  
14 gration activity;

15           “(4) refer to the Inspector General of the De-  
16 partment any complaints of the violation of depart-  
17 mental policies or procedures by any Department  
18 employee relating to border security or immigration  
19 activity; and

20           “(5) provide each complainant with a summary  
21 of the outcome of any action taken in response to a  
22 complaint, grievance, or request for assistance from  
23 such complainant, including any findings of fact,  
24 recommended action, and available redress.

25           “(f) COMPLAINANTS.—

1           “(1) ELIGIBILITY.—Any interested party, in-  
2           cluding a legal representative, may file a complaint  
3           through the complaint process established pursuant  
4           to subsection (d)(7).

5           “(2) RETALIATORY ACTION PROHIBITED.—  
6           Complainants and other individuals identified in a  
7           complaint submitted under this section shall be pro-  
8           tected from retaliatory action by law enforcement or  
9           by any officer of the United States based on the con-  
10          tent of such complaint. No information contained in  
11          a complaint that is germane to such complaint may  
12          be used as evidence in any removal or criminal pro-  
13          ceedings against the complainant or any individual  
14          identified in such complaint.

15          “(3) NO EFFECT ON REMOVAL OR CRIMINAL  
16          PROCEEDINGS.—Neither the filing of a complaint  
17          nor the contents of a complaint shall confer immu-  
18          nity or otherwise impact any removal or criminal  
19          proceedings against a complainant or an individual  
20          identified in such complaint.

21          “(4) PRIVACY.—No personally identifiable in-  
22          formation related to an individual involved in a com-  
23          plaint which would result in identification of such in-  
24          dividual may be published.



1           “(5) ASSISTANCE.—All complainants shall re-  
2       ceive full assistance from the Department in filing  
3       complaints, including language assistance, accom-  
4       modations for disabilities, and accurate and com-  
5       plete responses to their questions.

6           “(g) REQUEST FOR INVESTIGATIONS.—The Ombuds-  
7       man may request the Inspector General of the Department  
8       to conduct inspections, investigations, and audits related  
9       to compliance with subsections (d), (e), and (f).

10          “(h) COORDINATION WITH DEPARTMENT COMPO-  
11       NENTS.—

12           “(1) IN GENERAL.—The Director of U.S. Citi-  
13       zenship and Immigration Services, the Assistant  
14       Secretary of U.S. Immigration and Customs En-  
15       forcement, and the Commissioner of U.S. Customs  
16       and Border Protection shall each establish proce-  
17       dures to provide formal responses to recommenda-  
18       tions submitted to such officials by the Ombudsman  
19       not later than 60 days after receiving such rec-  
20       ommendations.

21           “(2) ACCESS TO INFORMATION.—The Secretary  
22       shall establish procedures to provide the Ombuds-  
23       man access to all departmental records that are nec-  
24       essary to execute the responsibilities of the Ombuds-  
25       man under subsection (d) or (e) not later than 60

1 days after the Ombudsman requests such informa-  
2 tion.

3 “(i) PUBLIC OUTREACH.—The Secretary shall—

4 “(1) take all appropriate action to advise the  
5 public regarding the existence, duties, responsibil-  
6 ities, and grievance processes of the Ombudsman’s  
7 office; and

8 “(2) promulgate regulations to ensure—

9 “(A) the public’s ability to file grievances  
10 with the Ombudsman’s office electronically; and

11 “(B) that absent written permission of all  
12 affected parties, all documents submitted to the  
13 Ombudsman’s office are used solely by the Om-  
14 budsman’s office to advance the purposes de-  
15 scribed in this section.

16 “(j) ANNUAL REPORTING.—Not later than June 30  
17 of each calendar year beginning after the date of the en-  
18 actment of the Homeland Security Improvement Act, the  
19 Ombudsman shall submit a report to the Committee on  
20 Homeland Security and Governmental Affairs of the Sen-  
21 ate, the Committee on the Judiciary of the Senate, the  
22 Committee on Homeland Security of the House of Rep-  
23 resentatives, and the Committee on the Judiciary of the  
24 House of Representatives that includes—

1           “(1) the number and type of complaints re-  
2       ceived under this section;

3           “(2) the demographics of the complainants who  
4       filed such complaints;

5           “(3) the results of the investigations conducted  
6       in response to such complaints, including violations  
7       of standards and any disciplinary actions taken;

8           “(4) the identification of any complaint pat-  
9       terns that could be prevented or reduced by policy  
10      training or practice changes;

11          “(5) an inventory of complaints received under  
12      this section for which action has been taken and the  
13      period between the receipt of each such complaint  
14      and its resolution;

15          “(6) an inventory of complaints received under  
16      this section for which action was not taken during  
17      the 1-year period immediately following the filing of  
18      such complaint, including the period during which  
19      each such complaint remained open, and the reason  
20      for failing to resolve each such complaint during  
21      such 1-year period;

22          “(7) recommendations that the Ombudsman  
23      has made to improve the services and responsiveness  
24      of U.S. Citizenship and Immigration Services, U.S.  
25      Immigration and Customs Enforcement, and U.S.

1 Customs and Border Protection, and any responses  
2 received from each such component or the Depart-  
3 ment regarding such recommendations; and

4 “(8) any other information that the Ombuds-  
5 man considers relevant to such report.

6 “(k) ESTABLISHMENT OF BORDER COMMUNITIES LI-  
7 AISON OFFICE.—

8 “(1) IN GENERAL.—The Ombudsman, in con-  
9 junction with the Office for Civil Rights and Civil  
10 Liberties of the Department, shall establish a Bor-  
11 der Community Liaison Office (referred to in this  
12 subsection as the ‘Liaison Office’) in each U.S. Bor-  
13 der Patrol sector on the northern and southern bor-  
14 ders of the United States.

15 “(2) PURPOSES.—Each Liaison Office shall—

16 “(A) foster cooperation between the U.S.  
17 Border Patrol, U.S. Customs and Border Pro-  
18 tection’s Office of Field Operations, U.S. Immi-  
19 gration and Customs Enforcement, and border  
20 communities;

21 “(B) consult with border communities re-  
22 garding the development of policies, directives,  
23 and programs of the U.S. Border Patrol and  
24 the Office of Field Operations and U.S. Immi-  
25 gration and Customs Enforcement; and

1           “(C) receive feedback from border commu-  
2           nities regarding the performance of the U.S.  
3           Border Patrol, the Office of Field Operations,  
4           and U.S. Immigration and Customs Enforce-  
5           ment.

6           “(3) MEMBERSHIP.—Each Liaison Office shall  
7           be comprised of equal representation from the bor-  
8           der community and U.S. Customs and Border Pro-  
9           tection and U.S. Citizenship and Customs Enforce-  
10          ment, including not fewer than—

11           “(A) 1 member of the community in which  
12           each U.S. Border Patrol sector is located who  
13           has expertise in migration, local public safety,  
14           civil and human rights, the local community, or  
15           community relations;

16           “(B) 1 member of an Indian tribe (as such  
17           term is defined in section 4 of the Indian Self-  
18           Determination and Education Assistance Act  
19           (25 U.S.C. 5304)) or a tribal organization;

20           “(C) 1 Border Patrol processing coordi-  
21           nator with significant experience working for  
22           the U.S. Border Patrol;

23           “(D) 1 nonuniformed U.S. Customs and  
24           Border Patrol officer with significant experience

1 working for U.S. Customs and Border Protec-  
 2 tion; and

3 “(E) 1 Enforcement and Removal Oper-  
 4 ations agent with significant experience working  
 5 for U.S. Immigration and Customs Enforce-  
 6 ment.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
 8 of the Homeland Security Act of 2002 (Public Law 107–  
 9 296) is amended by inserting after the item relating to  
 10 section 405 the following new item:

“Sec. 406. Ombudsman for Border and Immigration-Related Concerns.”.

11 **SEC. 4. TRAINING AND CONTINUING EDUCATION.**

12 (a) MANDATORY TRAINING AND CONTINUING EDU-  
 13 CATION TO PROMOTE CBP AGENT AND OFFICER SAFETY  
 14 AND PROFESSIONALISM.—

15 (1) POLICIES AND GUIDELINES.—The Secretary  
 16 of Homeland Security shall establish policies and  
 17 guidelines to ensure that all U.S. Customs and Bor-  
 18 der Protection agents and officers receive a min-  
 19 imum of—

20 (A) 19 weeks of training for employees of  
 21 U.S. Customs and Border Protection’s Office of  
 22 Field Operations, and 23 weeks of training for  
 23 employees of the U.S. Border Patrol, that—

24 (i) is directly related to the mission of  
 25 the U.S. Border Patrol and U.S. Customs

1 and Border Protection's Office of Field  
2 Operations before the initial assignment of  
3 such agents and officers; and

4 (ii) is in alignment with curriculum  
5 developed and endorsed by FLETC; and

6 (B) 8 hours of training and continuing  
7 education annually after the completion of the  
8 training referred to in subparagraph (A).

9 (2) TRAINERS.—The training and continuing  
10 education described in paragraph (1) shall be con-  
11 ducted by attorneys who—

12 (A) have experience with the Fourth  
13 Amendment to the United States Constitution,  
14 including appropriate application of the use of  
15 force by agents and officers of U.S. Customs  
16 and Border Protection; and

17 (B) are members of the Department of  
18 Homeland Security's Office of General Counsel.

19 (b) FLETC.—The Secretary of Homeland Security  
20 shall establish policies and guidelines governing training  
21 with FLETC and continuing education of agents and offi-  
22 cers of U.S. Customs and Border Protection and U.S. Im-  
23 migration and Customs Enforcement regarding border  
24 awareness, accountability, and oversight. Such training  
25 with FLETC shall include individual courses regarding—

1 (1) community relations, including—

2 (A) best practices in community policing;

3 (B) best practices to adhere to policies lim-  
4 iting the location of enforcement and coopera-  
5 tion with local law enforcement; and

6 (C) best practices in responding to griev-  
7 ances, including how to refer complaints to the  
8 Ombudsman for Border and Immigration-Re-  
9 lated Concerns in accordance with section 406  
10 of the Homeland Security Act of 2002, as  
11 added by section 3;

12 (2) interdiction, including—

13 (A) instruction regarding formal and prop-  
14 er command language;

15 (B) situational awareness of what language  
16 is appropriate in a given situation;

17 (C) policies and guidelines regarding the  
18 legal application of use of force;

19 (D) policies and training scenarios nec-  
20 essary to ensure the safety of the agent or offi-  
21 cer and the surrounding community during  
22 interventions in urban areas, including—

23 (i) scenario-based training and guide-  
24 lines; and



1 (ii) non-lethal force training and cer-  
2 tification on at least 1 non-lethal force in-  
3 strument, including electronic control  
4 weapons; and

5 (E) policies necessary to ensure the safety  
6 of the agent or officer and the surrounding  
7 community during interventions in rural and re-  
8 mote locations;

9 (3) vulnerable populations, including instruction  
10 on screening, identifying, and responding to vulner-  
11 able populations, such as children, victims of human  
12 trafficking, victims of trauma, and the acutely ill;

13 (4) cultural and societal issues, including—

14 (A) understanding the diversity of immi-  
15 grant communities;

16 (B) language and basic cultural awareness  
17 of major migrant-sending countries;

18 (C) natural resource protection and envi-  
19 ronmental policies along the United States bor-  
20 der;

21 (D) privacy considerations regarding bor-  
22 der-related technologies; and

23 (E) the history and ethics of asylum law;  
24 and

1           (5) standards of professional conduct, includ-  
2       ing—

3           (A) the lawful use of force;

4           (B) complying with chain of command and  
5       lawful orders;

6           (C) conduct and ethical behavior toward  
7       the public in a civil and professional manner;

8           (D) respect for civil rights and the protec-  
9       tion of the well-being of individuals;

10          (E) non-racially biased questioning tech-  
11       niques; and

12          (F) de-escalation tactics and alternatives  
13       to the use of force.

14       (c) SUPERVISOR TRAINING.—In addition to the train-  
15   ing and continuing education required to be established  
16   under subsections (a) and (b), the Secretary of Homeland  
17   Security shall establish policies and guidelines governing  
18   the continuing education of agents and officers of U.S.  
19   Customs and Border Protection and U.S. Immigration  
20   and Customs Enforcement in supervisory or management  
21   positions, including—

22          (1) instruction relating to management and  
23       leadership best practices;

24          (2) refresher instruction or in-service training  
25       relating to legal application of use of force policies

1 and guidelines, intervention, community relations,  
2 and professional conduct; and

3 (3) mitigation training to identify, diagnose,  
4 and address issues within such supervisory and man-  
5 agement roles.

6 (d) REVIEW PROCESS.—The Secretary of Homeland  
7 Security shall establish a review process to ensure that  
8 port supervisors and managers of U.S. Customs and Bor-  
9 der Protection and U.S. Immigration and Customs En-  
10 forcement receive annual evaluations regarding—

11 (1) their actions and standards of conduct; and

12 (2) the actions, situational and educational de-  
13 velopment, and standards of conduct of their staffs.

14 (e) CONTINUING EDUCATION.—

15 (1) IN GENERAL.—The Secretary of Homeland  
16 Security shall require all agents and officers of U.S.  
17 Customs and Border Protection and U.S. Immigra-  
18 tion and Customs Enforcement who are required to  
19 undergo training under subsections (a) through (c)  
20 to participate in annual continuing education to  
21 maintain and update their understanding of Federal  
22 legal rulings, court decisions, and Department of  
23 Homeland Security policies, procedures, and guide-  
24 lines related to the subject matters described in such  
25 subsections.

1           (2) SUBJECT MATTERS.—Continuing education  
2       under this subsection shall include training courses  
3       on—

4           (A) protecting the civil, constitutional,  
5       human, and privacy rights of individuals, with  
6       special emphasis on the scope of enforcement  
7       authority, including—

8           (i) chain of evidence practices and  
9       document seizure; and

10          (ii) use of force policies available to  
11       agents and officers;

12          (B) the scope of authority of agents and  
13       officers to conduct immigration enforcement ac-  
14       tivities, including interviews, interrogations,  
15       stops, searches, arrests, and detentions, in addi-  
16       tion to identifying and detecting fraudulent doc-  
17       uments;

18          (C) identifying, screening, and responsi-  
19       bility for vulnerable populations, such as chil-  
20       dren and victims of trafficking; and

21          (D) cultural and societal issues, includ-  
22       ing—

23           (i) the diversity of immigrant commu-  
24       nities;

1 (ii) language and basic cultural aware-  
2 ness of major migrant-sending countries;  
3 and

4 (iii) natural resource protection and  
5 environmental policies along the United  
6 States border.

7 (3) ADMINISTRATION.—Courses offered under  
8 this subsection—

9 (A) shall be administered in consultation  
10 with FLETC by the individual U.S. Border Pa-  
11 trol sectors and U.S. Customs and Border Pro-  
12 tection's Office of Field Operations of the De-  
13 partment of Homeland Security in order to pro-  
14 vide such sectors' field offices with flexibility to  
15 design or tailor such courses to the specific  
16 needs and conditions of each such sector and  
17 field office; and

18 (B) shall be approved in advance by the  
19 Secretary of Homeland Security to ensure that  
20 such courses satisfy the requirements for train-  
21 ing under this section.

22 (4) ROTATION.—Courses offered as part of con-  
23 tinuing education under this subsection shall in-  
24 clude—

1 (A) an annual course focusing on the cur-  
2 riculum described in paragraph (2)(A);

3 (B) a triennial course focusing on cur-  
4 riculum described in paragraph (2)(B);

5 (C) a triennial course focusing on cur-  
6 riculum described in paragraph (2)(C); and

7 (D) a triennial course focusing on cur-  
8 riculum described in paragraph (2)(D).

9 (f) ASSESSMENT.—Not later than 6 years after the  
10 date of the enactment of this Act, the Comptroller General  
11 of the United States shall submit a report to the Com-  
12 mittee on Homeland Security and Governmental Affairs  
13 of the Senate and the Committee on Homeland Security  
14 of the House of Representatives that assesses the training  
15 and education, including continuing education, required  
16 under this section.

17 **SEC. 5. MANAGEMENT OF PORTS OF ENTRY.**

18 (a) IN GENERAL.—Not later than 180 days after the  
19 date of the enactment of this Act, the Secretary of Home-  
20 land Security shall submit a report to the Committee on  
21 Homeland Security and Governmental Affairs of the Sen-  
22 ate and the Committee on Homeland Security of the  
23 House of Representatives that contains an assessment of  
24 the standards and guidelines for managing ports of entry

1 under the control of the Department of Homeland Secu-  
2 rity, including information regarding—

3 (1) staffing levels and the need for additional  
4 staffing;

5 (2) the rules governing the actions of officers of  
6 U.S. Customs and Border Protection’s Office of  
7 Field Operations;

8 (3) average delays for transit through land  
9 ports of entry;

10 (4) existing efforts and technologies used for  
11 border security, including the impact of such efforts  
12 and technologies on—

13 (A) facilitating trade at ports of entry; and

14 (B) civil rights, private property rights,  
15 privacy rights, and civil liberties;

16 (5) the economic impact of the policies and  
17 practices of U.S. Customs and Border Protection ag-  
18 ricultural specialists and U.S. Customs and Border  
19 Protection’s Office of Field Operations personnel;

20 (6) physical infrastructure and technological  
21 needs at ports of entry;

22 (7) a plan for increasing the number of U.S.  
23 Customs and Border Protection’s Office of Field Op-  
24 erations officers certified as emergency medical tech-

1        nicians and the number of medical professionals as-  
2        signed to land ports of entry; and

3            (8) a plan for increasing access to land ports of  
4        entry that takes into account asylum seekers, victims  
5        of trafficking, unaccompanied children, and other  
6        vulnerable populations.

7        (b) UPDATES.—Based upon the information and as-  
8        sessment contained in the report required under sub-  
9        section (a), the Secretary of Homeland Security shall es-  
10       tablish updated guidelines and standards for managing  
11       ports of entry under the control of the Department of  
12       Homeland Security to address any identified needs or  
13       shortcomings at such ports of entry, including, if applica-  
14       ble—

15            (1) increasing the number of U.S. Customs and  
16        Border Protection agricultural specialists at ports of  
17        entry at which delays hinder or negatively impact  
18        the local or national economies;

19            (2) updating or increasing the use of technology  
20        at ports of entry at which there are average delays  
21        exceeding 2 hours based on U.S. Customs and Bor-  
22        der Protection data collected during the previous fis-  
23        cal year;

24            (3) publishing rules regarding document han-  
25        dling at ports of entry;



1           (4) establishing standards of conduct and de-  
2           meanor when interacting with individuals with bor-  
3           der crossing cards and vulnerable populations, such  
4           as children, victims of human trafficking, victims of  
5           trauma, and the acutely ill; and

6           (5) establishing training courses relating to  
7           management and leadership skills for supervisors  
8           and managers at ports of entry.

9   **SEC. 6. BORDER ENFORCEMENT ACCOUNTABILITY AND**  
10                   **TRANSPARENCY.**

11           (a) DEFINITIONS.—In this section:

12                   (1) BORDER SECURITY.—The term “border se-  
13                   curity” means the prevention of unlawful entries  
14                   into the United States, including entries by individ-  
15                   uals, instruments of terrorism, narcotics, and other  
16                   contraband.

17                   (2) CHECKPOINT.—The term “checkpoint”  
18                   means a location—

19                           (A) at which vehicles or individuals trav-  
20                           eling through the location are stopped by a law  
21                           enforcement official for the purposes of enforce-  
22                           ment of United States immigration laws and  
23                           regulations; and

1 (B) that is not located at a port of entry  
2 along an international border of the United  
3 States.

4 (3) LAW ENFORCEMENT OFFICIAL.—The term  
5 “law enforcement official” means—

6 (A) an agent or officer of U.S. Customs  
7 and Border Protection; or

8 (B) an officer or employee of a State, or  
9 a political subdivision of a State, who is car-  
10 rying out the functions of an immigration offi-  
11 cer pursuant to—

12 (i) an agreement entered into under  
13 section 287(g) of the Immigration and Na-  
14 tionality Act (8 U.S.C. 1357(g));

15 (ii) authorization under title IV of the  
16 Tariff Act of 1930 (19 U.S.C. 1401 et  
17 seq.); or

18 (iii) any other agreement with the De-  
19 partment of Homeland Security, including  
20 any Federal grant program.

21 (4) PATROL STOP.—The term “patrol stop”  
22 means search, seizure, or interrogation of a motor-  
23 ist, passenger, or pedestrian initiated anywhere ex-  
24 cept as part of an inspection at a port of entry or  
25 a primary inspection at a checkpoint.

1           (5) PRIMARY INSPECTION.—The term “primary  
2           inspection” means an initial inspection of a vehicle  
3           or individual at a checkpoint.

4           (6) SECONDARY INSPECTION.—The term “sec-  
5           ondary inspection” means a further inspection of a  
6           vehicle or individual that is conducted following a  
7           primary inspection.

8           (b) DATA COLLECTION BY LAW ENFORCEMENT OF-  
9           FICIALS ENFORCING UNITED STATES LAWS AND REGU-  
10          LATIONS AND MAKING BORDER SECURITY STOPS.—

11          (1) REQUIREMENT FOR DATA COLLECTION RE-  
12          GARDING STOPS AND SEARCHES.—A law enforce-  
13          ment official who initiates a patrol stop or who de-  
14          tains any individual beyond a brief and limited in-  
15          quiry, such as a primary inspection at a checkpoint,  
16          shall record—

17                 (A) the date, time, and location of the con-  
18                 tact;

19                 (B) the identifying characteristics of such  
20                 individual, including the individual’s perceived  
21                 race, gender, ethnicity, and approximate age;

22                 (C) a description of any items seized dur-  
23                 ing such search, including contraband or  
24                 money, and a specification of the type of search  
25                 conducted;

1 (D) whether any arrest, detention, warn-  
2 ing, or citation resulted from such contact;

3 (E) the immigration status of the indi-  
4 vidual, only if obtained during the ordinary  
5 course of the contact without additional ques-  
6 tioning in accordance with this section;

7 (F) if the contact involved an individual  
8 whose primary language of communication is  
9 not English, the means of communication used;

10 (G) whether a body-worn camera or any  
11 other video or audio recording exists that re-  
12 corded the stop or detention; and

13 (H) if the contact was initiated by a State  
14 or local law enforcement agency of a State,  
15 whether such agency was acting pursuant to—

16 (i) an agreement entered into under  
17 section 287(g) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1357(g));

19 (ii) authorization under title IV of the  
20 Tariff Act of 1930 (19 U.S.C. 1401 et  
21 seq.); or

22 (iii) any other agreement with the De-  
23 partment of Homeland Security, including  
24 any Federal grant program.

1           (2) REQUIREMENT FOR U.S. CUSTOMS AND  
2 BORDER PROTECTION DATA COLLECTION REGARD-  
3 ING CHECKPOINTS.—The Commissioner of U.S. Cus-  
4 toms and Border Protection shall collect data re-  
5 garding—

6           (A) the number of permanent and tem-  
7 porary checkpoints utilized by agents and offi-  
8 cers of U.S. Customs and Border Protection;

9           (B) the location of each such checkpoint;

10          (C) the dates on which a temporary check-  
11 point was used; and

12          (D) a description of each such checkpoint,  
13 including the presence of any other law enforce-  
14 ment agencies and the use of law enforcement  
15 resources, such as canines and surveillance  
16 technologies, including license plate readers.

17          (3) RULEMAKING.—Not later than 180 days  
18 after the date of the enactment of this Act, the Sec-  
19 retary of Homeland Security, in consultation with  
20 stakeholders, including research, civil, and human  
21 rights organizations, shall promulgate regulations re-  
22 lating to the collection and reporting of data re-  
23 quired under paragraphs (1) and (2). Such regula-  
24 tions shall—

25          (A) specify all data to be reported; and

1 (B) provide standards, definitions, and  
2 technical specifications to ensure uniform re-  
3 porting.

4 (4) COMPILATION OF DATA.—

5 (A) DEPARTMENT OF HOMELAND SECUR-  
6 RITY LAW ENFORCEMENT OFFICIALS.—The  
7 Secretary of Homeland Security shall—

8 (i) compile the data collected under  
9 paragraph (1) by agents and officers of  
10 U.S. Customs and Border Protection and  
11 the data collected under paragraph (2) by  
12 the Commissioner of U.S. Customs and  
13 Border Protection; and

14 (ii) determine—

15 (I) whether any complaint was  
16 made by the individual subject to the  
17 contact under paragraph (1); and

18 (II) which oversight component  
19 within or outside of the Department  
20 of Homeland Security investigated the  
21 complaint.

22 (B) OTHER LAW ENFORCEMENT OFFI-  
23 CIALS.—The head of each agency, department,  
24 or other entity that employs law enforcement

1 officials other than agents and officers referred  
2 to in subparagraph (A) shall—

3 (i) compile the data collected by such  
4 law enforcement officials pursuant to para-  
5 graph (1); and

6 (ii) submit the compiled data to the  
7 Secretary of Homeland Security.

8 (5) USE OF DATA.—The Secretary of Homeland  
9 Security shall consider the data compiled pursuant  
10 to paragraph (4) in making policy and program deci-  
11 sions.

12 (6) AUDIT AND REPORT.—Not later than 1  
13 year after the effective date of the regulations pro-  
14 mulgated pursuant to paragraph (3), the Comp-  
15 troller General of the United States shall—

16 (A) conduct an audit of the data compiled  
17 under paragraph (4) to determine whether law  
18 enforcement officials are complying with the  
19 data collection requirements under paragraph  
20 (1); and

21 (B) submit a report to Congress that con-  
22 tains a summary of the findings of such audit.

23 (c) ANNUAL REPORT.—

24 (1) REQUIREMENT.—Not later than 1 year  
25 after the date of the enactment of this Act and an-

1 nually thereafter, the Secretary of Homeland Secu-  
2 rity shall submit a report to Congress containing the  
3 data compiled under subsection (b)(3), including all  
4 such data for the previous year.

5 (2) AVAILABILITY.—Each report submitted  
6 under paragraph (1) shall be made available to the  
7 public, except for particular data if the Secretary of  
8 Homeland Security—

9 (A) explicitly invokes an exemption con-  
10 tained in paragraphs (1) through (9) of section  
11 552(b) of title 5, United States Code; and

12 (B) provides a written explanation for the  
13 exemption’s applicability.

14 (3) PRIVACY.—The Secretary may not report  
15 unique personal identifying information of persons  
16 stopped, searched, or subjected to a property sei-  
17 zure, for purposes of this section.

18 (4) PUBLICATION.—The data compiled pursu-  
19 ant to subsection (b)(3) shall be made available to  
20 the public to the extent the release of such data is  
21 permissible under Federal law.

22 **SEC. 7. REPORTING REQUIREMENTS.**

23 (a) ANNUAL CBP REPORT ON MISSION AND PER-  
24 SONNEL BY BORDER PATROL SECTOR.—Not later than  
25 1 year after the date of the enactment of this Act and



1 annually thereafter, the Commissioner of U.S. Customs  
2 and Border Protection shall submit a report to the Com-  
3 mittee on Homeland Security and Governmental Affairs  
4 of the Senate and the Committee on Homeland Security  
5 of the House of Representatives that includes, for each  
6 Border Patrol sector—

7           (1) an assessment of the most appropriate,  
8           practical, and cost effective means of defending the  
9           land borders of the United States against threats to  
10          security and illegal transit, including intelligence ca-  
11          pacities, technology, equipment, personnel, and  
12          training needed to address security vulnerabilities;

13          (2) an assessment of staffing needs for all bor-  
14          der security functions, including an assessment of  
15          efforts to take into account asylum seekers, traf-  
16          ficking victims, unaccompanied children, and other  
17          vulnerable populations;

18          (3) a description of—

19                (A) the border security roles and missions  
20                of Federal, State, regional, Tribal, and local au-  
21                thorities; and

22                (B) recommendations regarding actions the  
23                Commissioner could carry out to improve co-  
24                ordination with such authorities to enable bor-

1           der security activities to be carried out in a  
2           more efficient and effective manner;

3           (4) a description of ways to ensure that the free  
4           flow of travel and commerce is not diminished by ef-  
5           forts, activities, and programs aimed at securing the  
6           land borders of the United States; and

7           (5) an impact assessment of the loss of trade  
8           and commerce due to inadequate staffing at land  
9           ports of entry by U.S. Customs and Border Protec-  
10          tion agents and officers.

11         (b) ANNUAL REPORT ON MIGRANT DEATHS.—

12           (1) CBP AND ICE.—Not later than 180 days  
13           after the date of the enactment of this Act, and an-  
14           nually thereafter, the Commissioner of U.S. Customs  
15           and Border Protection and the Director of U.S. Im-  
16           migration and Customs Enforcement shall jointly  
17           submit a report to the Comptroller General of the  
18           United States, the Committee on Homeland Security  
19           and Governmental Affairs of the Senate, and the  
20           Committee on Homeland Security of the House of  
21           Representatives regarding deaths occurring along  
22           the United States-Mexico border, including—

23                 (A) the number of documented migrant  
24           deaths;

1 (B) a geographical breakdown of where  
2 such migrant deaths occurred;

3 (C) the cause of death for each migrant, to  
4 the extent such information is available;

5 (D) the extent to which border technology,  
6 physical barriers, and enforcement programs  
7 have contributed to such migrant deaths; and

8 (E) a detailed description of U.S. Customs  
9 and Border Protection and U.S. Immigration  
10 and Customs Enforcement programs or plans to  
11 reduce the number of migrant deaths along the  
12 border, including an assessment on the effec-  
13 tiveness of water supply sites and rescue bea-  
14 cons.

15 (2) GAO REVIEW.—Not later than 90 days  
16 after the submission of each report required under  
17 paragraph (1), the Comptroller General of the  
18 United States shall review such report to deter-  
19 mine—

20 (A) the validity of U.S. Customs and Bor-  
21 der Protection's and U.S. Immigration and  
22 Customs Enforcement's statistical analyses of  
23 migrant deaths;

24 (B) the extent to which U.S. Customs and  
25 Border Protection and U.S. Immigration and

1 Customs Enforcement have adopted simple and  
2 low-cost measures, such as water supply sites  
3 and rescue beacons, to reduce the frequency of  
4 migrants deaths;

5 (C) the extent to which U.S. Customs and  
6 Border Protection and U.S. Immigration and  
7 Customs Enforcement measure the effectiveness  
8 of its programs to address the frequency of mi-  
9 grant deaths; and

10 (D) the extent of data and information  
11 sharing and cooperation among U.S. Customs  
12 and Border Protection, U.S. Immigration and  
13 Customs Enforcement, State and local law en-  
14 forcement, foreign diplomatic and consular  
15 posts, and nongovernmental organizations—

16 (i) to accurately identify deceased in-  
17 dividuals;

18 (ii) to notify family members of such  
19 deaths; and

20 (iii) to compare information to miss-  
21 ing persons registries.

22 (c) GAO REPORT ON USE OF FORCE.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date of the enactment of this Act, the Comp-  
25 troller General of the United States shall conduct a

1 study that examines the extent to which U.S. Cus-  
2 toms and Border Protection and U.S. Immigration  
3 and Customs Enforcement have clarified use of force  
4 policies and submit a report to Congress containing  
5 the results of such study, which shall include—

6 (A) the extent to which U.S. Customs and  
7 Border Protection and U.S. Immigration and  
8 Customs Enforcement have implemented new  
9 training tactics to improve use of force policies,  
10 including how the use of force policies conform  
11 to Department of Homeland Security and Fed-  
12 eral law enforcement best practices;

13 (B) the extent to which U.S. Customs and  
14 Border Protection and U.S. Immigration and  
15 Customs Enforcement have identified additional  
16 or alternative weapons and equipment to im-  
17 prove agents' and officers' abilities to de-esca-  
18 late confrontations, including protective gear;

19 (C) efforts to review and enhance current  
20 training and tactics related to use of force, and  
21 to implement reforms to ensure that agents and  
22 officers are better equipped to assess and re-  
23 spond to threats;

24 (D) the extent to which U.S. Customs and  
25 Border Protection and U.S. Immigration and

1 Customs Enforcement have established a stake-  
2 holder engagement framework to better inform  
3 and enhance U.S. Customs and Border Protec-  
4 tion's use of force training;

5 (E) the extent to which U.S. Customs and  
6 Border Protection and U.S. Immigration and  
7 Customs Enforcement have established  
8 metrics—

9 (i) to track the effectiveness of use of  
10 force training; and

11 (ii) to ensure the reporting of all uses  
12 of force for review to determine whether  
13 the force used was justified and whether it  
14 could have been avoided through different  
15 tactics or training, better supervision, dif-  
16 ferent tools, adherence to policy, or  
17 changes in policy;

18 (F) how U.S. Customs and Border Protec-  
19 tion and U.S. Immigration and Customs En-  
20 forcement could implement best law enforce-  
21 ment practices to improve policies for trans-  
22 parent communication with family members of  
23 individuals injured or killed by U.S. Customs  
24 and Border Protection or U.S. Immigration and

1 Customs Enforcement agent's and officer's use  
2 of force, including—

3 (i) updates on any pending investiga-  
4 tions; and

5 (ii) policies for timely notification of  
6 such injuries and deaths following such  
7 uses of force to the Commissioner of U.S.  
8 Customs and Border Protection or the Di-  
9 rector of U.S. Immigration and Customs  
10 Enforcement, the Joint Intake Center of  
11 the Department of Homeland Security, the  
12 Office of Inspector General of the Depart-  
13 ment, the Office for Civil Rights and Civil  
14 Liberties of the Department, the Offices of  
15 Public Affairs of the Department, Con-  
16 gress, and the applicable consulates, if ap-  
17 propriate;

18 (G) how recommendations and requests  
19 made by agents and officers of U.S. Customs  
20 and Border Protection and U.S. Immigration  
21 and Customs Enforcement have been received,  
22 reviewed, and, if possible, implemented into the  
23 use of force policies and best practices of U.S.  
24 Customs and Border Protection; and

1           (H) the extent to which U.S. Customs and  
2           Border Protection and U.S. Immigration and  
3           Customs Enforcement electronically track per-  
4           sonal searches and seizures of personal items at  
5           the border, including an assessment of how  
6           such information is used to inform U.S. Cus-  
7           toms and Border Protection and U.S. Immigra-  
8           tion and Customs Enforcement policies and  
9           procedures.

10       (2) IMPLEMENTATION OF GAO FINDINGS.—

11           (A) IN GENERAL.—The Secretary of  
12           Homeland Security shall direct the Commis-  
13           sioner of U.S. Customs and Border Protection  
14           and the Director of U.S. Immigration and Cus-  
15           toms Enforcement to implement any rec-  
16           ommendations contained in the report required  
17           under paragraph (1).

18           (B) NOTIFICATION REQUIREMENT.—If the  
19           Secretary of Homeland Security fails to imple-  
20           ment such recommendations, the Secretary  
21           shall submit written notification to the Com-  
22           mittee on Homeland Security and Govern-  
23           mental Affairs of the Senate, and the Com-  
24           mittee on Homeland Security of the House of



1           Representatives that explains why such rec-  
2           ommendations have not been implemented.

3           (d) CBP REPORT ON USE OF BODY-WORN CAM-  
4 ERAS.—

5           (1) DEFINED TERM.—In this subsection, the  
6           term “data” means video and audio footage cap-  
7           tured by a body-worn camera during its use.

8           (2) IN GENERAL.—Not later than 90 days after  
9           the date of the enactment of this Act, the Commis-  
10          sioner of U.S. Customs and Border Protection shall  
11          submit a report to the Committee on Homeland Se-  
12          curity and Governmental Affairs of the Senate, and  
13          the Committee on Homeland Security of the House  
14          of Representatives relating to the use, practices, and  
15          procedures of body-worn cameras by U.S. Customs  
16          and Border Protection agents and officers, includ-  
17          ing—

18                 (A) the number of body-worn cameras in  
19                 active use within U.S. Customs and Border  
20                 Protection;

21                 (B) the location, broken down by station,  
22                 in which such body-worn cameras are in use;

23                 (C) the rank and position of the agents  
24                 and officers of U.S. Customs and Border Pro-

1           tection at each such station who are assigned  
2           body-worn cameras;

3           (D) the standing policies of U.S. Customs  
4           and Border Protection regarding—

5                 (i) the storage of body-worn camera  
6                 data, including additional requirements or  
7                 decisions that are unique to a particular  
8                 sector;

9                 (ii) the review of data from individual  
10                body-worn cameras; and

11               (iii) the request for review of data  
12                from individual body-worn cameras by U.S.  
13                Customs and Border Protection personnel  
14                or civilians;

15           (E) the latest complaint reports from each  
16           sector and location in which body-worn cameras  
17           are being used; and

18           (F) any existing plan to implement, on a  
19           permanent basis, the use of body-worn cameras  
20           by officers and agents of U.S. Customs and  
21           Border Protection.

22           (3) GAO REVIEW.—Not later than 90 days  
23           after the submission of the report required under  
24           paragraph (2), the Comptroller General of the

1 United States shall review such report to deter-  
2 mine—

3 (A) the extent to which U.S. Customs and  
4 Border Protection has adopted measures re-  
5 lated to body-worn cameras; and

6 (B) the effectiveness of U.S. Customs and  
7 Border Protection use, practices, and proce-  
8 dures of body-worn cameras by agents and offi-  
9 cers.

10 (e) REPORT ON THE IMPACT OF BORDER ENFORCE-  
11 MENT TECHNOLOGIES AND OPERATIONS ON BORDER  
12 COMMUNITIES.—Not later than 180 days after the date  
13 of the enactment of this Act, the Secretary of Homeland  
14 Security shall submit a report to the Committee on Home-  
15 land Security and Governmental Affairs of the Senate, the  
16 Committee on the Judiciary of the Senate, the Committee  
17 on Homeland Security of the House of Representatives,  
18 and the Committee on the Judiciary of the House of Rep-  
19 resentatives that assesses—

20 (1) the efforts and technologies used along  
21 United States borders; and

22 (2) the impact on border communities of such  
23 efforts and technologies on civil rights, private prop-  
24 erty rights, privacy rights, and civil liberties.

1       (f) GAO REPORT ON THE EXTENT OF CBP ACTIVI-  
2 TIES, OPERATIONS, AND CLAIMED AUTHORITY.—Not  
3 later than 1 year after the date of the enactment of this  
4 Act, the Comptroller General of the United States shall  
5 submit a report to the congressional committees referred  
6 to in subsection (e) that assesses—

7           (1) the range of the current activities, oper-  
8 ations (including checkpoints), and claimed authority  
9 of U.S. Customs and Border Protection;

10          (2) the extent to which the range of activities,  
11 operations, and claimed authority referred to in  
12 paragraph (1) is necessary for U.S. Customs and  
13 Border Protection’s interior enforcement; and

14          (3) the impact of U.S. Customs and Border  
15 Protection’s interior enforcement and activities de-  
16 scribed in paragraphs (1) and (2) on civil, constitu-  
17 tional, and private property rights.

18       (g) GAO REPORT ON FEASIBILITY OF ESTABLISH-  
19 MENT OF ALTERNATE IMMIGRATION COURT SYSTEM.—  
20 Not later than 1 year after the date of the enactment of  
21 this Act, the Comptroller General of the United States  
22 shall submit to Congress a report, which shall be published  
23 and made available to the public, on the feasibility of es-  
24 tablishing an immigration court system, outside the execu-  
25 tive branch, composed of judges appointed for a fixed term

1 with jurisdiction over cases arising under the Immigration  
2 and Nationality Act (8 U.S.C. 1101 et seq.) or any other  
3 immigration law of the United States. Such report shall  
4 include an analysis of the appeal process for such cases,  
5 the impact that such an immigration court system would  
6 have on the number of cases heard by each immigration  
7 judge and any backlog of such cases, barriers to the estab-  
8 lishment of such an immigration court system, and rec-  
9 ommendations relating to the establishment of such an  
10 court system.

11 **SEC. 8. LIMITATION ON SEPARATION OF FAMILIES.**

12 (a) PROHIBITION ON SEPARATION.—An agent or of-  
13 ficer of a designated law enforcement agency performing  
14 functions under the immigration laws (as defined in sec-  
15 tion 101 of the Immigration and Nationality Act (8 U.S.C.  
16 1101)) may not remove a child from the parent or legal  
17 guardian of such child solely for the policy goal of—

18 (1) deterring individuals from migrating to the  
19 United States; or

20 (2) promoting compliance with immigration  
21 laws (as defined in section 101 of the Immigration  
22 and Nationality Act (8 U.S.C. 1101)).

23 (b) EXCEPTION.—

24 (1) IN GENERAL.—An agent or officer of a des-  
25 ignated law enforcement agency performing func-

1        tions under the immigration laws (as defined in sec-  
2        tion 101 of the Immigration and Nationality Act (8  
3        U.S.C. 1101)) may remove a child from the parent  
4        or legal guardian of such child, at or near a port of  
5        entry or within 100 miles of a border of the United  
6        States, if one of the following has been satisfied:

7                (A) Any State court, authorized under  
8                State law, terminates the rights of the parent  
9                or legal guardian, determines that it is in the  
10              best interests of the child to be removed from  
11              the parent or legal guardian, in accordance with  
12              the Adoption and Safe Families Act of 1997  
13              (Public Law 105–89), or makes any similar de-  
14              termination that is legally authorized under  
15              State law.

16              (B) Any official from a State or county  
17              child welfare agency makes a determination  
18              that it is in the best interests of the child to be  
19              removed from the parent or legal guardian be-  
20              cause the child is in danger of abuse or neglect  
21              at the hands of the parent or legal guardian, or  
22              the child is a danger to himself or herself or  
23              others.

24              (2) INDEPENDENT AUTHORIZATION RE-  
25              QUIRED.—

1 (A) IN GENERAL.—In the case that a child  
2 is removed from the parent or legal guardian of  
3 such child pursuant to this subsection, not later  
4 than 48 hours after such removal, the Secretary  
5 of Homeland Security shall seek a determina-  
6 tion from a qualified child welfare expert on  
7 whether removal of the child from the parent or  
8 legal guardian was permissible under this sub-  
9 section.

10 (B) RESULTS OF DETERMINATION.—If the  
11 qualified child welfare expert does not make a  
12 determination that the removal of the child  
13 from the parent or legal guardian was permis-  
14 sible under this subsection, the child shall be re-  
15 united with the parent or legal guardian.

16 (c) CAUSE OF ACTION.—A parent or legal guardian  
17 of a child removed in violation of this section may bring  
18 an action against the Secretary of Homeland Security in  
19 a district court of the United States for injunctive relief.

20 (d) PENALTY FOR FAMILY SEPARATION.—Any per-  
21 son who knowingly removes a child from their parent or  
22 legal guardian in violation of this section, shall be fined  
23 not more than \$10,000 per occurrence of such removal.

24 (e) DOCUMENTATION REQUIRED.—In the case that  
25 a child is removed from the parent or legal guardian of

1 such child in accordance with this section, the Secretary  
2 of Homeland Security shall ensure that the parent or legal  
3 guardian of the child is provided documentation of such  
4 removal, including—

5 (1) why the child was removed from the parent  
6 or guardian; and

7 (2) any evidence the Secretary has relating to  
8 removal of the child from the parent or legal guard-  
9 ian.

10 (f) DEFINITIONS.—In this section:

11 (1) CHILD WELFARE AGENCY DEFINED.—The  
12 term “child welfare agency” means the State, terri-  
13 torial, or Tribal agency responsible for child or fam-  
14 ily services and welfare.

15 (2) QUALIFIED CHILD WELFARE EXPERT.—The  
16 term “qualified child welfare expert” means a child  
17 welfare expert licensed by the State or county in  
18 which the child was removed from the parent or  
19 legal guardian of such child and who is independent  
20 of the U.S. Customs and Border Protection.

21 **SEC. 9. RULE OF CONSTRUCTION.**

22 Nothing in this Act may be construed to limit the  
23 right any parent, legal guardian or child may have under  
24 law, including the settlement agreement in *Ms. L. v. ICE*,  
25 18-cv-00428 (S.D. Cal. Dec. 11, 2023), or any tort rem-



1 edy under chapter 171 of title 28, United States Code  
2 (commonly referred to as the “Federal Tort Claims Act”)  
3 or other Act.

